

**RECORD OF PROCEEDINGS OF THE GOVERNING BODY
CITY OF GARDNER, KANSAS**

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February 7, 2022

The City Council of the City of Gardner, Kansas met in regular session on February 7, 2022, at 7:00 p.m. in the Council Chambers at Gardner City Hall, 120 East Main Street, Gardner, Kansas, with Mayor Todd Winters presiding. Present were Councilmembers Mark Baldwin, Steve Shute, Kacy Deaton, Tory Roberts, and Erik Van Potter. City staff present were City Administrator Jim Pruetting; Deputy City Administrator Amy Nasta; Finance Director Matthew Wolff; Police Chief James Belcher; Utilities Director Gonz Garcia; Parks Director Jason Bruce; Community Development Director David Knopick; Public Works Director Kellen Headlee; City Attorney Ryan Denk; and City Clerk Sharon Rose. Others present included those listed on the sign-in sheet and others who did not sign in.

CALL TO ORDER

There being a quorum of Councilmembers present, Mayor Winters called the meeting to order at 7:01 p.m.

PLEDGE OF ALLEGIANCE

Mayor Winters led those present in the Pledge of Allegiance.

PRESENTATIONS

PUBLIC HEARINGS

PUBLIC COMMENTS

No members of the public came forward.

CONSENT AGENDA

1. **Standing approval of the minutes as written for the regular meeting on January 18, 2022**
2. **Standing approval of City expenditures prepared January 14, 2022 in the amount of \$551,692.92; and January 21, 2022 in the amount of \$1,335,599.12; and January 28, 2022 in the amount of \$425,138.28**
3. **Consider authorizing the purchase of electric materials for New Trails Parkway**
4. **Consider authorizing the purchase of a Pipeline Observation System Management (POSM) server from POSM Software, LLC.**
5. **Consider reappointments to the Airport Advisory Board**
6. **Consider reappointments to the Public Works and Accessibility Advisory Committee**
7. **Consider approving the issuance of a Cereal Malt Beverage (CMB) license for the remainder of calendar year 2022**
8. **Consider authorizing an addendum to a contract with BHC Rhodes to complete the Technical Specifications update**

Councilmember Shute made a motion to approve the Consent Agenda.

Councilmember Deaton Seconded.

With a majority of the Councilmembers voting in
favor of the motion, the motion carried. (4-0-1
Absent)

PLANNING & ZONING CONSENT AGENDA

1. **Consider accepting the dedication of right-of-way and easements on the final plat for Symphony Farms VI**

Councilmember Deaton made a motion to approve the Planning & Zoning Consent Agenda.

Councilmember Shute Seconded.

With all of the Councilmembers voting in favor of the
motion, the motion carried.

COMMITTEE RECOMMENDATIONS

OLD BUSINESS

NEW BUSINESS

1. Consider authorizing the execution of an agreement to perform a Gas Turbine Controls system upgrade

Electric Generation Manager Matt Ponzer said they have two gas turbines for power generation and capacity. The city needs to perform upgrades to the control system in two phases. In the first phase, HPI Energy would do a site survey, assessment, and create drawing specifications. Phase 2 would include installation. This project is needed by summer in order to complete the summer capability testing on the units. If the city doesn't do the capability testing, they will need to purchase the capacity on the market, which is expensive. The entire control system upgrade is going to be approximately \$1 Million, but they would pay nearly \$1.7 Million if they don't complete the capacity test. To meet the schedule, staff suggests using the same company for both phases, rather than going through another RFQ process. They will provide a bid for phase 2 while completing phase 1, which takes two months off the project schedule and be completed by summer.

Councilmember Shute asked if staff is seeking council to authorize a single bidder for phase 2. Mr. Ponzer said they are asking for two things: authorization to execute phase 1 and approval to use the same contractor for phase 2. Shute asked if they would still submit a bid for phase 2. Ponzer confirmed, and would bring the bid to the March 7th council meeting for approval. City Administrator Pruetting asked Ponzer for why they didn't start earlier. Ponzer said it was a 2022 project and they were ready to start in January, but there were already shipping delays and long lead times. Staff didn't know they would have delays that would threaten the summer capability test. The solution is to modify current procedure to save two months. Shute noted concern that even by saving 2 months, they may still have to pay the penalty. Ponzer could put in liquidated damages on phase 2 to prevent delay. Mayor Winters asked if there is any leeway on the testing timeline. Ponzer said the date isn't set and they don't know if there will be any exceptions. They should assume they will get no exceptions. Councilmember Baldwin asked why staff didn't request the phase 2 bid at the same time as phase 1. Ponzer said the turbines were built in the 1960s, so the contractor needs to be on site inspecting equipment to realize the work that will be needed. Baldwin asked what qualifiers does the city have for them to provide a bid that's competitive when they are the only ones bidding. Pruetting said there aren't many companies qualified to do this work, and the company was vetted by the committee. Ponzer said part of the RFQ process required them to submit example projects and pricing. Staff can use the examples to make sure they aren't overcharging.

Councilmember Deaton made a motion to authorize the City Administrator to execute Phase 1 of the Turbine control system upgrade with HPI Energy for a contract amount of \$95,000

Councilmember Shute Seconded.

With all of the Councilmembers voting in favor of the motion, the motion carried.

COUNCIL UPDATES

Director Garcia said they completed the west interceptor that will serve Treadway Apartments. They also commissioned the east lift station at Grata, and should receive bids for the west lift station soon. Councilmember Shute asked about substation planning for the east side of I-35. Garcia said there is a staff report coming in the next couple of meetings.

Director Bruce said they are going through the seasonal application process, with interviews beginning in the next week. Independence Day is less than 5 months away. Staff secured 3 artists for the event, and are now planning the other pieces like staging and security, parking and fireworks. They plan to announce the main act with a teaser video.

Director Knopick said there is an EDAC meeting Wednesday at 6pm at City Hall. The manager of the farmer's market will attend. The committee is discussing the Destination Downtown elements.

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City Clerk Rose said they need one more member to serve on the EDAC interview committee. Councilmember Roberts asked how many committees they are supposed to be serving on. There was discussion on the dais regarding who is on what committee. Councilmember Shute suggested sharing the interview teams as they are currently so they can discuss vacancies.

City Administrator Pruetting said staff are close to having salary information ready. He attended a county managers meeting on Friday, and there are jurisdictions stretching. Shute asked for clarification. Pruetting said other jurisdictions are offering retention bonuses, signing bonuses, cost of living adjustments, cost of living bonuses, tenure bonuses, 401K matching. Some are offering multiple or all. Winters noted that bonuses are a one-time expense.

Councilmember Deaton asked how seasonal applications are going. Director Bruce said lifeguards were the main issue last year, and this year they are holding now at around 50, which is a good start. They are low in facility supervisors, which are 18 and older. Wages are an issue. Deaton thanked everyone who was part of the US 56 meeting. It was informative. Deaton also thanked two officers who helped her son when he broke down on the side of the road late at night.

Councilmember Roberts also attended the US 56 open house. The information was also shared on social media, and she thanked staff for getting that out to the public. Roberts asked if the new stop light at Madison and Moonlight will get high visibility street signs. Director Headlee will look into it. Roberts also thanked crews for snow removal earlier in the week.

Councilmember Baldwin asked if there are any issues with the pool. Director Bruce is not aware of any issues. Staff will start processes in late March. Baldwin asked for updates on the inclusive park equipment. Bruce attended a state conference recently and met with others. They are sending sample projects. Bruce will put together a presentation. Baldwin said people complain about snow removal, but the city does a good job and staff needs to know that.

Councilmember Shute noted that the EDAC is important as a linchpin of the work being done around downtown. Anyone interested in downtown should attend the meeting on Wednesday.

EXECUTIVE SESSION

1. Consider entering into executive session to discuss matters of attorney-client privilege relating to a development agreement

Councilmember Baldwin made a motion to recess into executive session pursuant to K.S.A. 75-4319 (b)(2), to discuss personnel matters of attorney-client privilege relating to a development agreement beginning at 7:28 pm; returning to regular session at 7:58 pm.

Councilmember Deaton Seconded.

With all of the Councilmembers voting in favor of the motion, the motion carried.

Councilmember Van Potter made a motion to resume regular session at 7:58 p.m.

Councilmember Deaton seconded.

2. Consider entering into executive session to discuss personnel matters of non-elected personnel relating to the City Administrator's annual performance review

Councilmember Deaton made a motion to recess into executive session pursuant to K.S.A. 75-4319 (b)(1), to discuss personnel matters of non-elected personnel relating to the City Administrator's annual performance review beginning at 7:59 pm; returning to regular session at 8:14 pm.

Councilmember Baldwin Seconded.

With all of the Councilmembers voting in favor of the motion, the motion carried.

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Councilmember Deaton made a motion to resume regular session at 8:15 p.m.

Councilmember Shute seconded.

With all of the Councilmembers voting in favor of the motion, the motion carried.

ADJOURNMENT

There being no further business to come before the Council, on a motion duly made by Councilmember Baldwin and seconded by Councilmember Shute the meeting adjourned at 8:15p.m.

City Clerk